



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

584980
US EPA RECORDS CENTER REGION 5



584980

DEC 04 1996

REPLY TO THE ATTENTION OF:

SE-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Columbus Auto Parts, Columbus, Ohio Site
Identification Number XR
Demand Letter

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) in cooperation with the Ohio Environmental Protection Agency, has been conducting response actions to address contamination at the Columbus Auto Parts Site, in Columbus, Ohio. U.S. EPA took these actions under authority of the Comprehensive Environmental Response, Compensation, and Liability Act of (CERCLA) 1980, 42 U.S.C. § 9601 et seq., as subsequently amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499 (CERCLA, as amended). Prior to undertaking these response actions, U.S. EPA determined that there was a release or threatened release of hazardous substances from the Columbus Auto Parts Site. The U.S. EPA undertook the response actions using monies authorized by CERCLA, as amended.

During the response, U.S. EPA undertook several actions at the Site. Removal activities included securing the Site, identifying and categorizing wastes on Site, and disposing of all wastes off the Site. Liquid wastes in oil pits, drums, underground storage tanks (USTs) and above-ground storage tanks were sampled, drained, and staged for off-site disposal. Site buildings were decontaminated, UST's were cleaned and scrapped, and all pits were filled with clean fill. Hazardous substances identified on the Site included the following: lead, benzene, polychlorinated biphenyls, barium, ethyl benzene, and ignitable and corrosive materials, as defined under the Solid Waste Disposal Act, commonly referred to as Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous Waste and Solid Waste Amendments of 1984, 42 U.S.C. §§ 6901-6992k.

Response costs associated with this Site have been incurred by U.S. EPA. The approximate U.S. EPA response costs identified up to September 25, 1996, for the above referenced Site are \$415,860.16. A summary is enclosed.

Information available to U.S. EPA indicates among other things that you are potentially responsible for the release, or threat of release of hazardous substances from the Site. Pursuant to the provisions of Section 107(a) of CERCLA, as amended, and based on evidence currently available to the Agency, U.S. EPA believes that you may be liable for the payment of all costs incurred by U.S. EPA in connection with the Site. The potentially responsible parties (PRPs) are jointly and severally liable for the whole amount. Partial payments will not release the payor of liability for payment of the rest of the costs that are owed to U.S. EPA. Limiting language on the check or in accompanying letters will be considered to be advisory only and will not be considered as placing conditions on the amount paid or as limiting liability on other costs demanded in this letter.

Such payment must be made to the U.S. EPA Hazardous Substances Superfund established pursuant to Section 221 of CERCLA, as amended, which is administered by U.S. EPA. Please send your check to U.S. EPA - Region V, Attn: Superfund Accounting, P.O. Box 70753, Chicago, Illinois 60673. Place the following Site Identification Number on the check: XR. Please send a copy of your payment check to William Messenger, Chief, Emergency Enforcement Support Section, U.S. EPA, Region V, Superfund Division (SE-5J), 77 W. Jackson Blvd., Chicago, Illinois 60604, and to Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel, U.S. EPA, Region V (C-29A), 77 W. Jackson Blvd., Chicago, Illinois 60604.

We hereby demand that you make restitution by payment of the amount in this letter plus interest, together with any sums hereafter expended by the Agency in connection with the Site pursuant to authority of CERCLA, as amended. Pursuant to Section 107(a) of CERCLA, as amended, interest shall begin accruing as of the date of this demand, if payment is not received within thirty (30) days of the date of this letter.

If you desire to discuss your liability with U.S. EPA, please contact Mr. Ed Messina, Assistant Regional Counsel, in writing no later than thirty (30) days after the date of this letter. Mr. Messina may also be reached by phone at (312) 353-8892.

If we do not receive a response from you within this time frame, the U.S. EPA will assume that you have declined to reimburse the Fund for the Site expenditures, and pursuant to CERCLA, as amended, U.S. EPA may pursue civil litigation against you.

The names of other PRPs receiving this request for payment are

enclosed with this letter to facilitate organization among the identified parties concerning payment. PRPs should attempt to work out an allocation among themselves to apportion costs; however, whatever allocation system the PRPs develop among themselves, U.S. EPA considers all PRPs to this Site jointly and severally liable for the amounts demanded in this letter until all costs are reimbursed or an appropriate settlement is achieved pursuant to Section 122(h) of CERCLA.

Sincerely,

A handwritten signature in cursive script that reads "Richard C. Karl".

Richard C. Karl, Chief
Emergency Response Branch

Enclosures

**ITEMIZED COST SUMMARY
COLUMBUS AUTO PARTS, OH
SUPERFUND SITE # XR
PREPARED 09/25/96**

EPA EXPENDITURES	Cumulative Costs Through August 31, 1996
EPA PAYROLL --	
--Headquarters	\$ 2040.35
--Regional	12,648.09
INDIRECT COST --	
--	21,568.00
EPA TRAVEL --	
--Headquarters	519.75
--Regional	3,917.03
ERCS CONTRACT --	
--Environmental Quality Management, Inc. (68-S3-5001)	372,263.00
START CONTRACT --	
--Ecology & Environment (68-W6-0011)	2,903.94
TOTAL EPA COSTS BEFORE INTEREST	\$ 415,860.16
Pre-Judgement Interest	0.00
TOTAL EPA COSTS FOR COLUMBUS AUTO PARTS	\$ 415,860.16
TOTAL COSTS RECOVERED TO DATE	0.00
TOTAL EPA UNRECOVERED COSTS FOR COLUMBUS AUTO PARTS, OH	\$ <u>415,860.16</u>

Please Note:

National Contract Laboratory program costs may be significantly understated. These costs do not include any lab costs that may have been billed to EPA prior to FY 1986, if such costs were incurred, and no estimate of the CLP Sample Management Cost (ranges from 6.1 % to 17.0 % of Analytical costs) is provided. A complete accounting of Contract Laboratory Costs normally is provided by VIAR within the documentation process.

This summary does not include Department of Justice cost. Those costs will be documented separately by the Department of Justice.

LIST OF RESPONDENTS

Columbus Auto Parts
c/o Kenneth D. Smith, President
c/o Andreas F. Zybell, P.C., Counsel
400 Trotter Trail
Milford, Michigan 48380

Michigan Industrial Holdings, Inc.
c/o Andreas F. Zybell, Registered Agent
400 Trotter Trail
Milford, Michigan 48380

Kenneth D. Smith
c/o Andreas F. Zybell, P.C., Counsel
400 Trotter Trail
Milford, Michigan 48380

Ronald T. LaRizza
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Suite 1040
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Edward Sawyer Jr.
One Cleveland Center
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Andreas F. Zybell
c/o Andreas F. Zybell, P.C.
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Milford, Michigan 48380